

ASSEMBLY BILL

No. 2489

Introduced by Assembly Member Tom Berryhill

February 19, 2010

An act to amend Section 21960 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as introduced, Tom Berryhill. Vehicles: bicycles: state highways.

Existing law authorizes the Department of Transportation and local authorities, by order, ordinance, or resolution, with respect to freeways, expressways, or designated portions thereof under their respective jurisdictions, to which vehicle access is completely or partially controlled, to prohibit or restrict the use of those freeways, expressways, or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle, motorized bicycle, or motorized scooter.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21960 of the Vehicle Code is amended
- 2 to read:
- 3 21960. (a) The Department of Transportation and local
- 4 authorities, by order, ordinance, or resolution, with respect to

1 freeways, expressways, or designated portions thereof under their
2 respective jurisdictions, to which vehicle access is completely or
3 partially controlled, may prohibit or restrict the use of the freeways,
4 expressways, or any portion thereof by pedestrians, bicycles or
5 other nonmotorized traffic or by any person operating a
6 motor-driven cycle, motorized bicycle, or motorized scooter. A
7 prohibition or restriction pertaining to bicycles, motor-driven
8 cycles, or motorized scooters shall be deemed to include motorized
9 bicycles; and no person may operate a motorized bicycle wherever
10 that prohibition or restriction is in force. Notwithstanding any
11 provisions of any order, ordinance, or resolution to the contrary,
12 the driver or passengers of a disabled vehicle stopped on a freeway
13 or expressway may walk to the nearest exit, in either direction, on
14 that side of the freeway or expressway upon which the vehicle is
15 disabled, from which telephone or motor vehicle repair services
16 are available.

17 (b) The prohibitory regulation authorized by subdivision (a)
18 shall be effective when appropriate signs giving notice thereof are
19 erected upon ~~any~~ the freeway or expressway and the approaches
20 thereto. If any portion of a county freeway or expressway is
21 contained within the limits of a city within the county, the county
22 may erect signs on that portion as required under this subdivision
23 if the ordinance has been approved by the city pursuant to
24 subdivision (b) of Section 1730 of the Streets and Highways Code.

25 (c) No ordinance or resolution of local authorities shall apply
26 to any state highway until the proposed ordinance or resolution
27 has been presented to, and approved in writing by, the Department
28 of Transportation.

29 (d) An ordinance or resolution adopted under this section on or
30 after January 1, 2005, to prohibit pedestrian access to a county
31 freeway or expressway shall not be effective unless it is supported
32 by a finding by the local authority that the freeway or expressway
33 does not have pedestrian facilities and pedestrian use would pose
34 a safety risk to the pedestrian.